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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,610	03/06/2001	Jean-Bernard Mabon	PD980061	1467
7590 10/28/2003 Joseph S Tripoli Thomson Multimedia Licensing Inc CN 5312 Princeton, NJ 08543-0028			EXAMINER KOSTAK, VICTOR R	
			ART UNIT 2611	PAPER NUMBER 7

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,610

Applicant(s)

MABON, JEAN-BERNARD

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's Abstract filed in the preliminary amendment is not in compliance with rule 1.72(b) because it has not been submitted on a separate sheet. The examiner regrets not pointing this out in the last Office action.

2. Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The step of setting up the predetermined time interval is already recited in base claim 29.

3. Applicant's arguments with respect to the rejection based on Keenan and Jang have been considered but are moot in view of the new ground(s) of rejection. Prolonged prosecution is regretted.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-24 and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard.

Bedard stores channels of interest in a television (decided by the viewer) by determining that a currently tuned channel has exceeded a set duration period (col. 4 lines

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5-7); memorizing those channels which exceed the set period (e.g. col. 4 lines 27-37); identifying switching between different channels (the receiver knows which channels belong to the preferred list, thereby necessarily recognizing those excluded, and any time the channel is changed regardless), and changing over to a channel of interest upon activation of a dedicated command (i.e. surfing feature providing commands dedicated to the stored channels: col. 3 lines 40-45; col. 7 lines 39-64), thereby meeting claim. 21.

As for claims 29, 23 and 31, the time interval can be set to any of plural units (col. 4 lines 7-12).

As for claims 22 and 30, the reception determination is applied only when the time interval is exceeded (col. 3 line 63 – col. 4 line 7, particularly lines 5-7).

Regarding claims 24 and 32, a remote controller is used for switching (not shown: e.g. col. 7 lines 36-38).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard.

It would have been obvious to one of ordinary skill in the art to erase a channel of interest at any time so desired by the viewer, particularly when the channel loses its appeal, such as when

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the desired program reaches its end. The beneficial result is keeping the channel database from growing to a point when it does not retain its convenience for surfing.

7. Claims 25, 27, 28, 33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard in view of Reitmeier.

Like Bedard, Reitmeier also determines i.e. channels of interest (i.e. favorite channels: col. 7 lines 62-64), and stores respective frames of the channels in memory (col. 16 lines 17-19 and lines 31-38). It would have been obvious to one of ordinary skill in the art to store a frame of data representative of respective channels in the system of Bedard, for the benefit of informing and/or reminding the viewer of the program currently associated with the channel of interest, thereby meeting claims 25 and 33.

As for claims 27 and 35, Reitmeier displays his channels of interest in a picture-in-picture format for the purpose of providing the viewer with simultaneous display which enables ready selection of any one particular channel (e.g. col. 16 lines 14-15; Figs. 6A and 6B).

Regarding claims 28 and 36, Reitmeier also arranges a mosaic display for simultaneously presenting channels of interest, which are memorized, and selected from the screen using a cursor (highlight). It would have been obvious to provide such mosaic display in the system of Bedard for arranging the channels determined to be of interest, thereby providing a ready presentation of multiple channels for selection by the user.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday thru Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Victor R. Kostak
Primary Examiner
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